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6 Attorneys for Plaintiff  
VNUS Medical Technologies, Inc.

7 UNITED STATES DISTRICT COURT  
8

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

SAN FRANCISCO DIVISION

11 VNUS MEDICAL TECHNOLOGIES, INC., ) CASE NO. C08-4234 MMC  
12 Plaintiff, )  
13 v. )  
14 TOTAL VEIN SOLUTIONS, LLC d/b/a )  
TOTAL VEIN SYSTEMS )  
15 Defendant. )  
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**STIPULATION AND [PROPOSED]  
ORDER TO POSTPONE HEARING ON  
TVS' MOTION TO TRANSFER VENUE  
AND MOTION TO DISMISS  
COMPLAINT PURSUANT TO RULE  
12(B)(6)**

1 Pursuant to Civil L.R. 6-2, Plaintiff VNUS Medical Technologies, Inc. ("VNUS") and  
2 Defendant Total Vein Solutions, LLC d/b/a Total Vein Systems ("TVS") have conferred and  
3 respectfully request that the hearing on TVS' Motion to Transfer Venue (D.I. 11) and Motion to  
4 Dismiss Complaint Pursuant to Rule 12(b)(6) (D.I. 13) be postponed from the noticed date of  
5 November 14, 2008 to November 21, 2008 for the following reasons:

6 WHEREAS TVS filed a Motion to Transfer Venue on October 9, 2008 and filed a Motion  
7 to Dismiss Complaint Pursuant to Rule 12(b)(6) on October 10, 2008, with both motions noticed to  
8 be heard on November 14, 2008.

9 WHEREAS TVS and VNUS are currently engaged in settlement discussions and, in view of  
10 the interest of avoiding potentially unnecessary litigation expense and judicial effort, have agreed to  
11 postpone the hearing on TVS' motions from November 14 to November 21, 2008. This new  
12 noticed hearing date is the same hearing date for the Motion to Dismiss for Improper Venue filed  
13 by TVS' principals, David S. Centanni and Tyrell L. Schiek, in the related case styled *VNUS*  
14 *Medical Technologies, Inc. v. biolitec, Inc. et al.*, Case No. C08-03129 MMC (N.D. Cal.).

15 WHEREAS such postponement will not alter the date of any event or any deadline already  
16 fixed by Court order.

17 NOW THEREFORE, by and through their respective counsel, the undersigned parties  
18 respectfully request that the Court adjourn the hearing on TVS' Motion to Transfer Venue and  
19 Motion to Dismiss from November 14, 2008 to November 21, 2008. In accordance with Civil L.R.  
20 7-3, VNUS' oppositions to such motions will be due on October 31, 2008, and TVS' replies to  
21 VNUS' oppositions will be due on November 7, 2008.

22 Dated: October 23, 2008

ATTORNEYS FOR PLAINTIFF  
VNUS MEDICAL TECHNOLOGIES, INC.

23 \_\_\_\_\_  
24 /s/ Suong T. Nguyen  
25 Matthew B. Lehr (Bar No. 213139)  
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1 Dated: October 23, 2008

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TOTAL VEIN SYSTEMS

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10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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12 Dated: October 27 \_\_\_\_\_, 2008

13   
MAXINE M. CHESNEY  
14 United States District Judge

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